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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 06-0433 VRW
	)	
Plaintiff,	)	
	)	
v.	)	<del>PROPOSED</del> ORDER AND
	)	STIPULATION EXCLUDING TIME
	)	UNDER THE SPEEDY TRIAL ACT
GERARDO ALAMILLA BARCENAS,	)	
aka Gerardo Alamilla,	)	
	)	
Defendant.	)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared on the instant matter June 20, 2006 for initial appearance before the Honorable Vaughn R. Walker. On June 20, 2006, the matter was continued to August 15, 2006 for status / trial setting. On August 15, 2006, the matter was again continued to September 12, 2006 for possible change of plea.

2. On August 15, 2006, Assistant Public Defender Elizabeth Falk, who represents the defendant, requested an exclusion of time from August 15, 2006 to September 12, 2006, based on effective preparation and continuity of counsel. The defendant agreed to an exclusion of time under the Speedy Trial Act. The parties agree that the time from August 15, 2006 to September 12, 2006 should be excluded from the calculation of time under the Speedy Trial Act. See 18

U.S.C. § 3161(h)(8)(A) and (B)(iv).

3. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

4. For the reasons stated, the time period from August 15, 2006 to September 12, 2006 is excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS SO STIPULATED.

DATED: August 15, 2006

Respectfully Submitted,

/S/  
NAHLA RAJAN  
Special Assistant United States Attorney

DATED: August 15, 2006

/S/  
ELIZABETH FALK  
Counsel for Gerardo Alamilla Barcenas

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 18, 2006

  
HONORABLE VAUGHN R. WALKER  
United States District Judge